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COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT

PLANNING COMMISSION

Helping build great communities

MEETING DATE March 24, 2016	CONTACT/PHONE James Caruso / 781-5702 / jcaruso@co.slo.ca.us	APPLICANT Campbell-Sheppa/ Daniel Lloyd	FILE NO. SUB2015-00001 Tract 3074
SUBJECT  A request by Campbell-Sheppa/Daniel R. Lloyd for a Vesting Tentative Tract Map (Tract 3074) and Development Plan/Coastal Development Permit approval to subdivide a 0.68 acre site into 7 residential parcels ranging in size from 2,432 to 5,405 square feet each for the purpose of sale and/or development, one open space parcel of 14,089 square feet, construction of seven (7) residential units ranging in size from 2013 sq. ft. to 2449 sq. ft. and demolition of an existing structure. The project is located at 399 E Street at the corner of Cypress Glen Court in the community of Cayucos. The project is within the Residential Multi Family and Recreation land use categories and within the Estero planning area.			
RECOMMENDED ACTION  1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Tract Map and Conditional Use Permit SUB2015-00001 (Tract 3074) based on the Findings listed in A and C and the Conditions listed in Exhibit B & D			
ENVIRONMENTAL DETERMINATION  The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on February 2, 2016 for this project. Mitigation measures are proposed to address biological resources, public services/utilities, transportation/circulation, wastewater and water/drainage and are included as conditions of approval.			
LAND USE CATEGORY Residential Multi-Family & Recreation	COMBINING DESIGNATION Local Coastal Plan, Flood Hazard, Environmentally Sensitive Habitat Areas (ESHA), Streams and Riparian Vegetation (SRV)	ASSESSOR PARCEL NUMBER 064-034-007	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS:  <i>Section III Areawide:</i> Resource Protection, Light & Glare, <i>Section V. Cayucos Urban Area Standards:</i> Communitywide, Residential Multi Family, Building Height & Setbacks, <i>Combining Designation:</i> (SRA) Coastal Streams Setbacks. <i>Does the project meet applicable Planning Area Standards:</i> Yes – see discussion			
LAND USE ORDINANCE STANDARDS  Section 23.07.120 - Local Coastal Program Area, Section 23.07.160 - Sensitive Resource Area, Section 23.07.170 Environmentally Sensitive Habitat, Section 23.07.174 – Streams and Riparian Vegetation, 23.07.104 Archaeologically Sensitive Areas 23.04.166 Number of Parking Spaces Required, <i>Does the project conform to the Land Use Ordinance Standards:</i> Yes - see discussion			

**FINAL ACTION**

This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the Planning Commission hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calendar day local appeal period after the Planning Commission hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.

**EXISTING USES:**

Single family residence/ephemeral creek

**SURROUNDING LAND USE CATEGORIES AND USES:**

*North:* Residential Multi-family/Single family Residences

*East:* Residential Single Family/ Single Family Residences

*South:* Residential Multi-Family/Single family residences

*West:* Residential Multi-Family/Creek and single family

residences

**OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:**

The project was referred to: Public Works, APCD, Cayucos Sanitary District, Cayucos Fire Dept, Morro Rock Mutual Water Co, Regional Water Quality Control Board, Cayucos School District, California Coastal Commission and the Cayucos Citizens Advisory Committee

**TOPOGRAPHY:**

Gently sloping

**VEGETATION:**

Ruderal ornamental landscaping and riparian.

**PROPOSED SERVICES:**

Water supply: Morro Rock MWC

Sewage Disposal: Cayucos Sanitary District

Fire Protection: Cayucos Fire Dept

**ACCEPTANCE DATE:**

November 24, 2015

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:  
COUNTY GOVERNMENT CENTER SAN LUIS OBISPO γ CALIFORNIA 93408 (805) 781-5600 FAX: (805) 781-1242

**PROJECT DESCRIPTION**

The project proposes a Vesting Tentative Tract Map (Tract 3074) and Development Plan/Coastal Development Plan to subdivide a 0.68 acre site into 7 residential parcels ranging in size from 2,432 to 5,405 square feet, plus one open space parcel of 14,089 square feet. The project will be developed as a *planned development* in accordance with Section 66427 et seq. of the Subdivision Map Act and will construct seven residential units ranging in size from 2013 sq. ft. to 2449 sq. ft. The planned development regulations provide flexibility for applicants when applying development standards as a way to encourage creative design. Such standards may include: reduced minimum lot sizes and common area, improved design qualities, more effective design responses to site features, compatibility with land uses on adjoining properties, more effective and attractive pedestrian orientation, enhanced environmental sensitivity and energy efficiency, and the more efficient use of resources. Modifications from applicable development standards are discussed below.

Coastal Zone Land Use Ordinance Section 23.04.028(D) states that a planned development must be accompanied by a Development Plan at the time of tentative map approval. Therefore, the Development Plan and tentative map must be considered together.

Table 1 provides a summary of proposed development:

<b>Table 1 -- Tract 3074 Project Summary</b>								
<b>Project Components</b>	<b>Lot 1</b>	<b>Lot 2</b>	<b>Lot 3</b>	<b>Lot 4</b>	<b>Lot 5</b>	<b>Lot 6</b>	<b>Lot 7</b>	<b>Lot 8</b>
Lot Area	2,508	2,432	2,432	2,432	2,432	4,961	5,405	14,089
Dwellings Floor Area								
Living Space	2,449	2,449	2,197	2,197	2,197	2,170	2,013	--
Garage	571	571	593	593	593	440	440	--
Carport	519	519	516	516	516	0	0	--
Decks and Porches	335	335	443	443	443	41	44	--
Total:	3,874	3,874	3,749	3,749	3,749	2,651	2,497	--

### **Vesting Tentative Map**

The tentative map shows the seven residential lots arranged in two, north-south rows. Dwellings on parcels 1 through 5 will face E Street with parcel sizes ranging from 2,508 on the corner of Cypress Glen Court to 2,432 on the interior. Parcels 6 and 7 will back up to Little Cayucos Creek and are somewhat larger (4,961 and 5,405 square feet). An open space parcel (Parcel 8) of 14,089 square feet surrounds parcels 6 and 7 and extends westward over a portion of Little Cayucos Creek. A drainage and landscape easement extends over the westerly portions of parcels 6 and 7 under the drip line of existing riparian vegetation, as well as the entirety of parcel 8. The residences on lots 6 and 7 are setback 20 feet from the edge of riparian vegetation as required by Planning Area standards.

Street frontage improvements are shown along the project's E Street and Cypress Glen Court frontages. Cypress Glen Court (formerly Cypress Avenue) is a private roadway that serves 4 existing residences. The project proposes to abandon the portion of the right-of-way that abuts the project site and to add the 7,000 square feet of abandoned right-of-way to the project site for purposes of calculating the base residential density.

### **Development Plan**

#### **Figure 1 -- Site Plan**



### Residential Density

At the north end of E Street where the project is located, the majority of parcels are between 5,500 square feet to over 10,000 square feet, each with a single family dwelling. However, lot widths, street yard setbacks, building orientation, and building height (single story and multi-story) vary considerably for properties in both the Residential Multi-Family and Residential Single Family land use categories (Figure 2).

**Figure 2 – Land Use Designation and Development Pattern in the Project Vicinity**



The project site and the adjacent parcel to the south could be considered 'underdeveloped' in

that each is over 18,000 square feet (at least 0.4 acres) and contains a single family residence. The Cayucos Urban Area Standards allow up to 10 dwellings per acre in the Residential Multi-Family land use designation, and up to 15 units per acre if the review authority makes the finding that there is sufficient sewer capacity and supplemental water to serve such development plus existing development, and all vacant parcels at buildout, assuming a density of 15 units per acre in the RMF category. Applying these standards to the project site, with the abandonment of the Cypress Glen Court right-of-way, would yield the following:

30,000 sq.ft. parcel + 7,000 sq.ft. ROW = 37,000 sq.ft. X 10 DU/AC = 8 units.

30,000 sq.ft. parcel + 7,000 sq.ft. ROW = 37,000 sq.ft. X 15 DU/AC = 13 units.

Thus, the project density is less than allowed, but greater than surrounding residential development in either the RMF or RSF land use categories. The Area Plan states that multi-family development should be designed to be sensitive to existing single-family homes. Construction of moderate-income housing is encouraged in order to replace the loss of affordable housing due to conversion of older, smaller housing stock into higher-priced homes.

#### Architecture

Building elevations, colors and materials have been provided for three product types. Each will be multi-story, 3 and 4 bedroom units with gable roof and colored wall shingles. Parking is provided for each unit in attached garages and carports under the main living areas; additional parking is provided for guests. The dwellings on parcels 1 through 5 will face E Street with the entrance facing the street behind a covered porch. Building elevations incorporate elements to break up the mass and linearity of the building walls, including:

- Second-story balconies;
- Extensive windows and window trim;
- Wall projections with gable ends;
- Changes in the roof line;

**Figure 3 – Typical Building Elevations Facing E Street**



#### Access and Parking

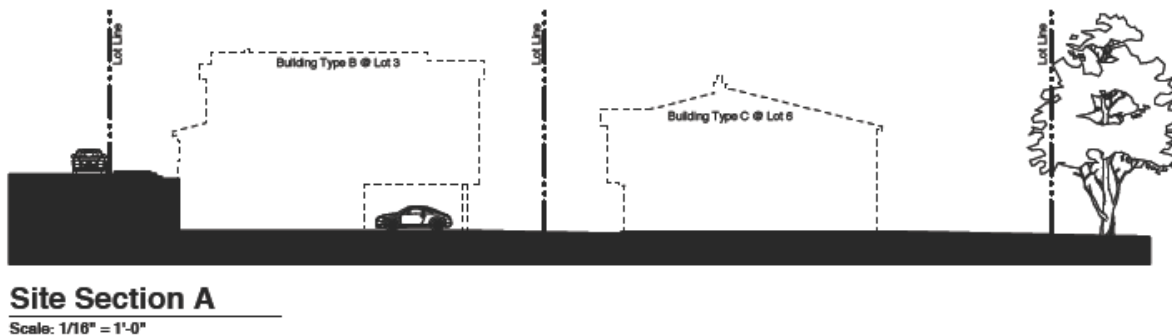
Access will be provided by a private access drive/easement extending south from Cypress Glen Court, centered over the common property lines. A turnaround area for emergency vehicles is also provided. Each dwelling fronting E Street is provided with a two car garage plus a two-car

carport for guests with access from the common access drive. Lots 6 and 7 each have 2-car garages. Two additional guest spaces are provided at the south end of the access drive.

#### Preliminary Grading and Drainage Plan

The preliminary grading plan shows the site will be excavated along E Street to accommodate parking under the first floor living spaces for parcels 1 through 5.

**Figure 4 – East/West Section Through Project**



No grading is proposed within the drip line of the riparian vegetation along Little Cayucos Creek. The project will result in the disturbance of approximately 26,910 square feet. Earthwork will involve 2,135 cubic yard of cut and 291 yard of fill with a net 1,844 cubic yard to be removed.

The project incorporates Low Impact Development (LID) drainage features in which runoff will be collected in a "bio-swale" where it will be pre-treated before being discharged to Little Cayucos Creek.

#### Preliminary Landscaping Plan

The landscaping plan shows a 'riparian enhancement area' along the creek with plant varieties informed by the biological assessment prepared for the project (Althouse and Meade, November 2015). Native plant varieties are shown for the areas that border the riparian corridor. Street trees and foundation planting will be provided along Cypress Glen Court to screen the dwellings and soften the transition from the street. Street trees and shrubs are shown in a narrow landscaping strip provided along the project's E Street frontage.

## **PLANNING AREA STANDARDS**

### **Estero Areawide Standards**

#### **A. Resource Protection**

1. **Clustered or Concentrated Development.** Wherever standards for clustering or concentrating development to protect identified sensitive features, the following standards apply:
  - a. **Reports.** Biological report(s) that addresses identified sensitive feature(s) shall be required.

- b. **Development Location.** Development shall be located away from identified sensitive features on and adjacent to the site, and in areas most suitable for development. Development shall result in no adverse impacts to environmentally and other sensitive areas, including avoidance of the required setback, buffers and fuel modification zones.
  - c. **Setbacks.** Development shall include sufficient setbacks/buffers to protect environmentally sensitive areas; at a minimum, setbacks as required in the Estero area plan and in the Chapter 23.07 of the CZLUO, as applicable
  - d. **Extent, Intensity of Development.** The number of units/development intensity and site coverage shall be consistent with protection of identified sensitive features on and adjacent to the site.
  - e. **Protection of Sensitive Features.** Identified sensitive features shall be protected through building controls, mitigation agreements, easements, or other means, consistent with applicable legal requirements to allow reasonable use of the site.
  - f. **Arrangement of Open Space.** Where feasible, open space areas shall consist of larger, contiguous areas rather than smaller, disconnected pockets of open space.
2. **Environmentally Sensitive Areas- Clustered Development and Habitat Protection Required.**
- a. Cluster or concentrate development on the least sensitive portions of the site in order to protect and sustain environmentally sensitive areas and the following sensitive features:
    - i. Sensitive Resource Areas and Environmentally Sensitive Habitats as defined in the Land Use Element and Local Coastal Plan.
    - ii. All riparian habitat corridors.
    - iii. Rare, endangered or threatened species as listed by deferral or state agencies or in the State CEQA guidelines
    - iv. Other significant stands of vegetation, such as eucalyptus - whether or not identified as SRA combining designation that do not need to be removed due to hazardous condition or restoration and enhancement of native habitat.
  - b. All development within 100 feet of the preceding sensitive features shall comply with the applicable standards for ESH in the Coastal Plan Policies and Chapter 23.07 of the CZLUO, except otherwise stated in this plan.
  - c. Development shall not significantly disrupt or cause significant adverse environmental impacts to the preceding sensitive features, and shall not diminish the long-term sustainability of the biological resources.
  - d. Development of all proposed building sites shall result in no adverse impacts to environmentally and other sensitive areas, including avoidance of the required setbacks, buffers and fuel modification zones.

*Staff Comments: The project is consistent with these standards. The site plan was informed by a biological assessment of the project site. As a result, development is concentrated on the eastern portion of the project site and will not impact sensitive resources along Little Cayucos Creek. The open space lot encloses the riparian*

*resources on the project site. The proposed residences are setback a minimum of 20 feet from the upland edge of riparian vegetation as required by the Estero Plan.*

- G. Cayucos Planning Impact Area.** Within the planning impact area shown in Figure 7- 5, applications for land divisions, general plan amendments, Minor Use Permits, and Development Plans shall be referred to the Cayucos Citizen Advisory Council (CCAC) its successor for review and comment.

*Staff comments: This project was referred to the CCAC. See CCAC discussion below:*

- H. Light and Glare.** The applicant shall provide details on any proposed exterior lighting, if applicable. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.

*Staff comments: The project is conditioned to meet this standard.*

## **Cayucos Urban Area Standards**

### **Communitywide**

- A. Resource Capacity and Service Availability.** Application for new land divisions and land use permits for new development shall be accompanied by letters from the applicable water purveyor and the Cayucos Sanitary District stating their intent to serve the proposed project.

*Staff comments: This project complies with this standard because the applicant submitted a recent intent-to-serve letter from the Morro Rock Mutual Water Company and the Cayucos Sanitary District issued a Conditional Will Serve letter for the project. The project is conditioned to meet all applicable requirements of the Cayucos Sanitary District Conditional Will Serve prior to the issuance of construction permit(s).*

- B. Setbacks.** The project is being developed as a planned development which allows the relaxation of certain development standards, including setbacks. For a planned development, front setbacks may be determined through Development Plan approval, provided that in no case shall setbacks be allowed that are less than the minimum required by the Uniform Building Code. The side yard within urban and village areas is 10 percent of the lot width, to a maximum of five feet on sites less than one acre in net area, but not less than three feet.

*Staff comments: If the Development Plan for the planned development is approved, the project complies with this standard. The front setback for lots 6 and 7 is shown at 14 feet and 12 feet for the dwellings facing E Street. Project plans show a minimum side yards of three feet for the dwellings facing E Street, and 4 - 5 feet for lots 6 and 7.*

### **Residential Design Guidelines Outside of Community Small-Scale Design Neighborhoods: Wall Articulation and Relief.**

The following guidelines apply to all new residential development outside of Community Small-scale Design Neighborhoods in order to create visual relief and interest.

- *Avoid long, uninterrupted exterior walls on all structures*
- *Provide detail and articulation on all sides of residences through measures such as:*
  - *Using relief elements and changes in plane*
  - *Off-setting the wall plane to express interior spaces and provide outdoor spaces*
  - *Creating an interesting blend of shadows, in-sets, varied materials and textures*
  - *Using design measures and elements such as the following:*
    - *wall bays with relief at least every 20 feet;*
    - *pop-out, bay windows;*
    - *in-set windows;*
    - *window trim;*
    - *trellises;*
    - *arcades or verandas;*
    - *changes in materials*

*Staff Comments: Overall the project complies with this guideline. Building elevations incorporate elements to break up the mass and linearity of the building walls. These elements include:*

- *Second-story balconies;*
- *Extensive windows and window trim;*
- *Wall projections with gable ends;*
- *Changes in the roof line;*

#### **Residential Multi-Family -**

**Height Limitations.** Maximum allowable building height shall be 28 feet.

*Staff comment: This project complies with this standard. Proposed height is 28 feet*

#### **Combining Designation**

**Sensitive Resource Area (SRA).** Setbacks from Coastal Streams. Development shall be setback a minimum of 20 feet from Little Cayucos Creek. Riparian setbacks shall be measured from the upland edge of riparian vegetation top of stream back where no riparian vegetation exists.

*Staff comment: The project is located 20 feet from the upland edge of riparian vegetation in compliance with this standard.*

#### **COASTAL ZONE LAND USE ORDINANCE STANDARDS:**

**Section 23.01.043c(1) - Appeals to the Coastal Commission.** The project is appealable to the Coastal Commission because the project is proposed development within 100 feet of Little Cayucos Creek (a mapped coastal stream).

**Section 23.04.084 – Multifamily Dwellings.** The number of multiple family dwellings allowed on a single lot or adjoining lots, floor area and open area are based upon the "intensity factor" of the site. In this case, the medium intensity factor allows:

	Maximum units/acre	Maximum floor area	Minimum open area
<b>Allowed</b>	26 units	48%	45%
<b>Proposed</b>	10 units	45%	72%

*Staff Comments: The project complies with the multifamily dwelling requirements for density, floor area and open area.*

**Section 23.07.120 - Local Coastal Program**

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

**Section 23.04.166 - Number of Parking Spaces Required**

The project site is located within the Residential Multi-Family land use category that requires 2 parking spaces per residence with three or more bedrooms, plus 1 guest parking space, plus 1 additional guest space for each 4 units or fraction thereof.

*Staff comments: The parking requirement for 7 dwellings is:  $7 \times 2 = 14$  spaces, plus 1 guest space, plus 1 guest space per four units = 17 spaces. Each dwelling fronting E Street is provided with a two car garage plus a two car carport for guests. Lots 6 and 7 each have 2-car garages. Two additional guest spaces are provided at the south end of the access drive. A total of 26 parking spaces are provided on the site in garages, carports and open parking. The project meets the standard and provides excess parking.*

**Section 23.05.034 (c) - Grading Adjacent to Environmentally Sensitive Habitats**

Grading shall not occur within 100 feet of any Environmentally Sensitive Habitat as shown in the Land Use Element except:

- (1) Where a setback adjustment has been granted as set forth in Sections 23.07.172d(2) (Wetlands) or 23.07.17 4d (2) (Streams and Riparian Vegetation) of this title; or
- (2) Within an urban service line when grading is necessary to locate a principally permitted use and where the approval body can find that the application of the 100-foot setback would render the site physically unsuitable for a principally permitted use. In such cases, the 100-foot setback shall only be reduced to a point where the principally-permitted use, as modified as much as practical from a design standpoint, can be located on the site. In no case shall grading occur closer than 50 feet from the Environmentally Sensitive Habitat or as allowed by planning area standard, whichever is greater.

*Staff comments: The Estero planning area standard establishing a 20 foot setback from Little Cayucos Creek takes precedence over this section of the Coastal Zone Land Use*

*Ordinance<sup>1</sup>. As described above, the proposed project meets the 20 foot setback requirement from Little Cayucos Creek.*

## **Combining Designations**

### **Section 23.07.060 Flood Hazard Area.**

The Flood Hazard combining designation is applied to specific parcels by the Official Maps (Part III) of the Land Use Element to areas where terrain characteristics would present new developments and their users with potential hazards to life and property from potential inundation by a 100-year frequency flood or within coastal high hazard areas.

*Staff comments: A small portion of the project site lies within the 100-year floodplain of Little Cayucos Creek. However, no structures or other improvements are proposed in this area. The project is conditioned to show the 100-year flood plain and all structures shall be located outside of this area. The limit of the flood hazard will be shown on the final map as a building restriction.*

### **Section 23.07.160 - Sensitive Resource Area (SRA)**

The Sensitive Resource Area combining designation is applied by the Official Maps (Part III) of the Land Use Element to identify areas with special environmental qualities, or areas containing unique or endangered vegetation or habitat resources. The purpose of these combining designation standards is to require that proposed uses be designed with consideration of the identified sensitive resources, and the need for their protection, and, where applicable, to satisfy the requirements of the California Coastal Act.

e. **Required findings:** Any land use permit application within a Sensitive Resource Area shall be approved only where the Review Authority can make the following required findings:

- (1) The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design.
- (2) Natural features and topography have been considered in the design and siting of all proposed physical improvements.
- (3) Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
- (4) The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff.

### **Section 23.07.170 - Environmentally Sensitive Habitat Area (ESHA)**

The riparian area crossing the project site is considered an environmentally sensitive habitat area (ESHA). Applications for development within an ESHA must include a biological assessment to evaluate the project's impact on ESHA and whether the development will be consistent with the biological continuance of the habitat.

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<sup>1</sup> CZLUO Section 23.01.034(d) states: "If conflicts occur between a Land Use Element planning area standard and other provisions of this title, the Land Use Element planning area standard shall prevail..."

- (1) Approval of a land use permit for a project within or adjacent to an ESHA shall not occur unless the applicable review body first finds that:
  - a. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.
  - b. The proposed use will not significantly disrupt the habitat.

*Staff comments: The SRA designation is applied to the riparian corridor for Little Cayucos Creek. The project design was informed by a biological assessment prepared by Althouse and Meade (November, 2015) regarding the sensitivity of resources on the project. As a result, the project is designed to meet the 20 foot setback from Little Cayucos Creek in order to protect the natural features and topography. The project limit (disturbance) area is the minimum necessary to achieve safe and viable construction of the residences, as a principally permitted use on the site. Conditions such as construction timing, exterior lighting, construction BMPs, an open space conservation easement, and Landscape Restoration and Enhancement Plan have been applied to the project to ensure biological continuance of, and no significant negative impacts to, the sensitive habitats.*

#### **Section 23.07.174 - Streams and Riparian Vegetation (SRV)**

Coastal streams and adjacent riparian areas are environmentally sensitive habitats. The provisions of this section are intended to preserve and protect the natural hydrological system and ecological functions of coastal streams.

**a. Development adjacent to a coastal stream.**

Development adjacent to a coastal stream shall be sited and designed to protect the habitat and shall be compatible with the continuance of such habitat.

- b. Riparian setbacks:** New development shall be setback from the upland edge of riparian vegetation the maximum amount feasible. In the urban areas (inside the URL) this setback shall be a minimum of 50 feet. A larger setback will be preferable in both the urban and rural areas depending on parcel configuration, slope, vegetation types, habitat quality, water quality, and any other environmental consideration.

- (1) Permitted uses within the setback:** Permitted uses are limited to those specified in Section 23.07.172(d) (1) (for wetland setbacks), provided that the findings required by that section can be made. Additional permitted uses that are not required to satisfy those findings include pedestrian and equestrian trails, and non-structural agricultural uses.

All permitted development in or adjacent to streams, wetlands, and other aquatic habitats shall be designed and/or conditioned to prevent loss or disruption of the habitat, protect water quality, and maintain or enhance (when feasible) biological productivity. Design measures to be provided include, but are not limited to:

- i. Flood control and other necessary instream work should be implemented in a manner that minimizes disturbance of natural drainage courses and vegetation.
- ii. Drainage control methods should be incorporated into projects in a manner that prevents erosion, sedimentation, and the discharge of harmful substances into aquatic habitats during and after construction.

*Staff Comments: A Biological Assessment, prepared by Althouse and Meade (November, 2015) concluded that no listed plant species were found on the project site and no suitable habitat was found. However, the project site has the potential to provide habitat for listed animal species that include Cooper's hawk, California red-legged frog, Monarch butterfly, Nuttall's woodpecker, Oak titmouse, Pallid bat, Silvery legless lizard, Steelhead, Tidewater goby, Two-striped garter snake, Western pond turtle, and Yellow warbler. The study concluded that suitable habitat for California red-legged frog, Steelhead, Tidewater goby, Two-striped garter snake, and Western pond turtle is not present on the project site. Pre-construction surveys are recommended for Cooper's hawk, Nuttall's woodpecker, Oak titmouse, Silvery legless lizard, and Yellow warbler.*

*With regard to the riparian setback, Little Cayucos Creek is mapped by the ESHA Coastal Act Section 30107.5 and designated as such in the Estero Area Plan, Cayucos Urban Area Standards Chapter 7, V.C.1. and Table 7-2, as a Sensitive Resource Area (SRA). The edge of riparian is shown and the SRA is shown on Figure 5.*

**Figure 5 – Habitat Types on the Project Site**



*On the project site Little Cayucos Creek is swale-like without erosion and shallow. Riparian trees, mostly arroyo willow (*Salix lasiolepis*), California sycamore (*Platanus racemosa*) and coast live oak (*Quercus agrifolia*) comprise the canopy of the riparian habitat along with a few pittosporum and myoporum non-native shrubs. Periwinkle (*Vinca major*), garden nasturtium (*Tropaeolum majus*), and kikuyu grass (*Pennisetum clandestinum*) are dominant species in the understory. Coast live oak is found only on the far bank of the creek away from the project area (Figure 5). The creek channel substrate consists of gravels and coarse soil particles. The channel area could qualify as State wetland per Coward in methodology (FACW willows, hydrology).*

*However, the Estero Area Plan requires a minimum 20 feet from coastal streams (Little Cayucos Creek). When there are conflicting standards between the CZLUO and the Area Plan, the LCP allows for the standards of the Area Plan to prevail. In this case the project incorporates the following elements to protect riparian resources:*

- The bulk of riparian resources present on the project site will be within a designated open space parcel in which no development will be allowed. No outfall structures or other uses of the riparian area are proposed.*
- All development will observe a minimum 20-foot setback from the edge of riparian resources, as required by the LCP. The top of bank of Little Cayucos Creek is entirely within the riparian canopy edge.*
- Restoration of the riparian habitat is proposed and has been approved by the California Department of Fish and Wildlife as a separate Project that removes non-native plants, installs native riparian plants, and protects riparian trees and shrubs (LSAA No. 1600-2015-0141-R4). This restoration project will result in an enhancement to the existing riparian habitat.*

*Accordingly, the coastal stream and riparian area will be preserved because the structures and other improvements are setback adequately from riparian vegetation. With adequate setback and conditions requiring BMPs for grading, erosion, sedimentation, and drainage plan, the proposed project will not degrade the riparian area and will be compatible with the continuance of the habitat. As proposed and conditioned, the project complies with this standard.*

#### **Section 23.07.176 - Terrestrial Habitat Protection**

The provisions of this section are intended to preserve and protect rare and endangered species of terrestrial plants and animals by preserving their habitats. Emphasis for protection is on the entire ecological community rather than only the identified plant or animal.

- a. **Protection of vegetation.** Vegetation that is rare or endangered, or that serves as habitat for rare or endangered species shall be protected. Development shall be sited to minimize disruption of habitat.
- b. **Terrestrial habitat development standards:**
  - (1) **Revegetation.** Native plants shall be used where vegetation is removed.
  - (2) **Area of disturbance.** The area to be disturbed by development shall be shown on a site plan. The area in which grading is to occur shall be defined on site by readily- identifiable barriers that will protect the surrounding native habitat areas.

*Staff Comments: The project is consistent with this standard. The project site is bordered by Little Cayucos creek and its surrounding riparian vegetation. The riparian vegetation is mapped ESHA and could provide roosting, nesting and/or foraging areas for Cooper's hawk, Nuttall's woodpecker, Yellow warbler and Pallid bat. Sensitive habitat for these species will be protected by the elements discussed above under CZLUO Section 23.07.172.*

*Based on the Biological Assessment prepared for the project site, the quality of vegetation outside the riparian corridor is significantly degraded and anthropogenic.*

#### **Section 23.07.104 - Archaeologically Sensitive Areas**

The project is not located in a designated Archaeologically Sensitive combining designation area; however the location on the banks of a creek and in close proximity to the ocean is considered culturally sensitive and archaeology resources are known to exist in the area.

*Staff Comments: A Phase I study of the project site (Heritage Discoveries Inc., 2015) found no surface evidence of archaeological resources on the project site. However, due to the size, proximity and richness of the known adjacent archaeological site, a Phase II study was performed for the project site in August, 2015 (Heritage Discoveries Inc., 2015). The Phase II study consisted of additional surface as well as sub-surface investigations. A total of 15 shovel pits were excavated and the excavated soils were sifted for the presence of resources. The analysis revealed the presence of some modern artifacts, such as a glass marble, bottle fragments and nails. One large mammal bone was recovered which appeared to be of historical origin. Marine shellfish fragments were discovered, but were most likely of historic origin as well. Overall, the Phase II investigation found no surface or sub-surface evidence of significant historical or archaeological resources on the project site.*

#### **Section 23.07.174 (d) - Streams and Riparian Vegetation Setback**

The Estero Area Plan requires a minimum 20 feet from coastal streams (Little Cayucos Creek). The dwellings on Parcels 6 and 7 are set back 20 feet from the edge of existing riparian vegetation, and 25 – 40 feet from the top of bank as required by the Area Plan.

#### **Section 23.04.036 - Front Setback.**

CZLUO states that the front setbacks for a planned development may be determined through Development Plan approval, provided that in no case shall setbacks be allowed that are less than the minimum required by the Uniform Building Code. Project plans show a 12-foot setback from the front property line for the units fronting on E Street, and on lots 6-8 the front setback is 14 feet.

#### **COASTAL PLAN POLICIES:**

Shoreline Access:	N/A
Recreation and Visitor Serving:	N/A
Energy and Industrial Development:	N/A
Commercial Fishing, Recreational Boating & Port Facilities:	N/A

Environmentally Sensitive Habitats:	Policy	No(s):
	1,2,20,21,28,29,35	
Agriculture:	N/A	
Public Works:	Policy No(s): 1	
Coastal Watersheds:	Policy No(s): 8,9,10	
Visual and Scenic Resources	N/A	
Hazards:	N/A	
Archaeology:	Policy No(s): 1, 5,6	
Air Quality:	N/A	

*Does the project meet applicable Coastal Plan Policies:* Yes, as conditioned

### ***Environmentally Sensitive Habitats (ESHAs)***

**Policy 1: Land Uses within or adjacent to Environmentally Sensitive Habitats.** New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area.

**Policy 2: Permit requirements.** As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate.

*Staff comments: The project is consistent with these policies. The protection of ESHA is discussed above under CZLUO Section 23.07.172.*

**Policy 3: Habitat restoration.** The County or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible.

*Staff comments: The project is consistent with this policy because it incorporates a riparian restoration plan and is conditioned to implement the plan.*

**Policy 20: Coastal Streams and Riparian Vegetation.** Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved.

**Policy 21: Development in or adjacent to a coastal stream.** Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns.

**Policy 28: Buffer Zone for Riparian Vegetation.** In urban areas the buffer setback zone shall be a minimum 50 feet except where a lesser buffer is specifically permitted. The buffer zone shall be maintained in natural condition along the periphery of all streams.

**Policy 29: Protection of Terrestrial Habitats.** Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site. Development adjacent to environmentally sensitive habitat areas and holdings of the State Department of Parks and Recreation shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.

*Staff comments: The project is consistent with these policies, as discussed above under CZLUI Section 23.07.172.*

**Policy 35: Protection of Vegetation.** Vegetation which is rare or endangered or serves as cover for endangered wildlife shall be protected against any significant disruption of habitat value. All development shall be designed to disturb the minimum amount possible of wildlife or plant habitat.

*Staff comments: The proposed project is consistent with this policy because it includes conditions prohibiting tree and vegetation removal, except as allowed to implement the riparian restoration plan. Implementation of this plan will help protect the existing sensitive riparian habitats against significant disruption of habitat value.*

#### **Public Works**

**Policy 1: Availability of Service Capacity.** New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

*Staff comments: The project complies with this standard. Conditional will serve letters (water and sewer) were submitted for the proposed development.*

#### **Coastal Watersheds**

**Policy 8: Timing of Construction and Grading.** Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period.

*Staff comments: This project will comply with this standard because construction activities will be limited by conditions of approval.*

**Policy 9: Techniques for Minimizing Sedimentation.** Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation.

**Policy 10: Drainage Provisions.** Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

*Staff comments: The project complies with Policies 9 and 10 because it incorporates drainage components to protect water quality consistent with Low Impact Development. In addition, prior to issuance of grading/ or construction permits, the project shall demonstrate compliance with water quality protection regulations. Conditions requiring implementation of BMPs in grading, erosion and sedimentation control and drainage will minimize harmful impacts to ESHA that may result from increased run-off, erosion or sedimentation during construction activities.*

### **Archaeological Resources**

**Policy 1: Protection of Archaeological Resources.** The county shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archeological or paleontological resources, adequate mitigation shall be required.

### **Policy 5: Mitigation Techniques for Preliminary Site Survey before Construction**

Where substantial archaeological resources are found as a result of a preliminary site survey before construction, the county shall require a mitigation plan to protect the site. Some examples of specific mitigation techniques include:

- a. Project redesign could reduce adverse impacts of the project through relocation of open space, landscaping or parking facilities.
- b. Preservation of an archaeological site can sometimes be accomplished by covering the site with a layer of fill sufficiently thick to insulate it from impact. This surface can then be used for building that does not require extensive foundations or removal of all topsoil.
- c. When a project impact cannot be avoided, it may be necessary to conduct a salvage operation. This is usually a last resort alternative because excavation, even under the best conditions, is limited by time, costs and technology. Where the chosen mitigation measure necessitates removal of archaeological resources, the county shall require the evaluation and proper deposition of the findings based on consultation with a qualified archaeologist knowledgeable in the Chumash culture.
- d. A qualified archaeologist knowledgeable in the Chumash culture may need to be on-site during initial grading and utility trenching for projects within sensitive areas.

**Policy 6: Archaeological Resources Discovered during Construction or through Other Activities.** Where substantial archaeological resources are discovered during construction of new development, or through non-permit related activities (such as repair and maintenance of public works projects) all activities shall cease until a qualified

archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures.

*Staff comments: The project is consistent with these policies and conditions have been included to assure that significant impacts to archeological resources within the project area will be adequately mitigated based on the recommendations outlined in the Phase I and Phase II studies prepared for the project site.*

## **TENTATIVE TRACT MAP**

The proposed project site is located in the Recreation (REC) and Residential Multi-family (RMF) land use categories. CZLUO section 23.04.028d establishes the minimum standards for parcels in the RMF category and CZLUO section 23.04.032 establishes minimum standards for parcels in the Recreation land use category.

Section 23.04028d requires the common ownership parcel to be a minimum of 6,000 sq. ft. and that the RMF subdivisions comply with density of Section 23.04.084. The Recreation land use category requires a 6,000 sq. ft. parcel. Lot 8 is the open space parcel and is approximately 14,000 sq. ft. in size.

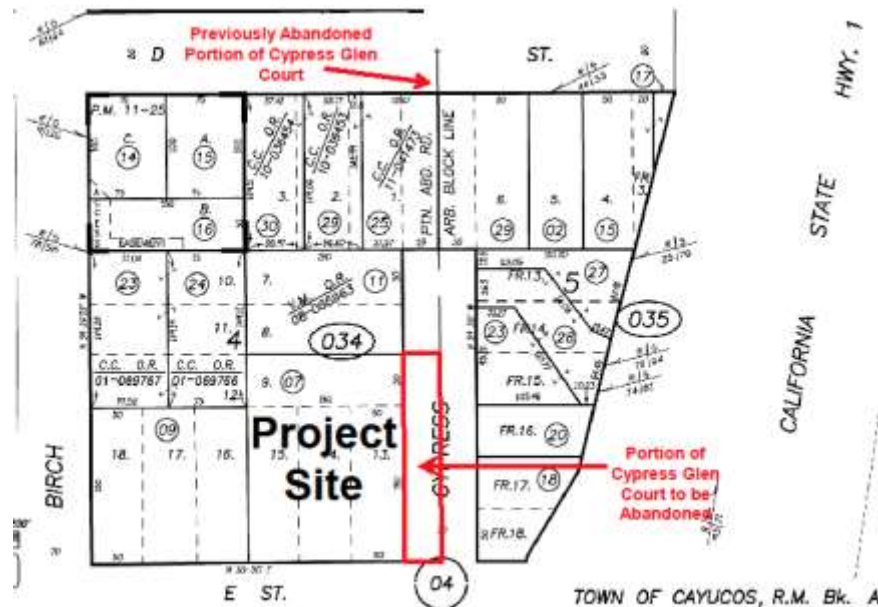
*Staff Comments: The project site is greater than 6,000 sq. ft. and so complies with CZLUO sections 23.04.028 and 032 and the proposed project complies with CZLUO section 23.04.084 residential density standards (see Page 4 of this staff report for a full analysis of residential density).*

## **Abandonment of a Portion of Cypress Glen Ct**

The tentative map proposes to abandon a portion of Cypress Glen Ct. The abandonment of the public right to use a right of way can occur either through the Streets and Highways Code or through the tentative subdivision map. The proposed subdivision (see attachment 6) seeks to abandon a 35 foot wide strip of Cypress Glen Ct fronting the project site. A street abandonment extinguishes the public's right to use the road. Property owners retain the right to access properties through the underlying easement that stays in place.

In this case, the portion of Cypress Glen Ct north of Little Cayucos Creek has already been abandoned (see Figure 6). The owners of several properties on Cypress Glen Ct have applied to abandon other portions of Cypress Glen Ct under the Street and Highways Code process. Both abandonment processes can proceed concurrently.

**Figure 6 – Abandonment of a Portion of Cypress Glen Ct**



Cypress Glen Court is not part of the County's road maintenance system and currently acts as a private drive to the existing residences. Since Cypress Glen Court serves private residences and provides no existing or future public circulation benefit, Public Works supports the proposed abandonment.

### **Title 21 Adjustment**

Real Property Division Ordinance section 21.03.010d7 states:

7. Private easements, if approved by the planning commission or subdivision review board, may serve as access to no more than an ultimate of five parcels, including parcels not owned by the divider. The number of parcels served by any private easement shall include existing parcels and all future parcels which could be created in the future according to the applicable general plan.

There are five existing parcels that use Cypress Glen Ct for access. The proposed project will add seven developable parcels. This total of 11 parcels using Cypress Glen for access cannot use a private easement but instead must use an access with an offer of dedication. The applicant has submitted a request of for an adjustment to this standard. In order to approve an adjustment to the design provisions of Section 21.03.010, the Planning Commission must find:

1. That there special circumstances or conditions affecting the subdivision; and
2. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision; and

3. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision. (Ord. 1986 §2 (part), 1979)

The findings are provided in Attachment 3.

## **ENVIRONMENTAL REVIEW**

A Mitigated Negative Declaration has been prepared for this project. The findings and recommendations of the MND are summarized below.

**Biological Resources.** The Biological Assessment concludes that riparian resources present on the project site will be adequately protected by observing the required 20 foot minimum setback and by the design of the project which avoids sensitive resources. The proposed project also includes a riparian corridor restoration plan to restore the degraded riparian habitat on the site.

**Cultural Resources.** The project is not located in a designated Archaeologically Sensitive combining designation area; however the location on the banks of a creek and in close proximity to the ocean is considered culturally sensitive and archaeology resources are known to exist in the area. A Phase I and Phase II study of the project site did not reveal the presence of significant archaeological resources.

**Public Services and Utilities.** According to the 2015 Resource Summary Report, there are no levels of severity recommended for water supply, wastewater collection and treatment, or schools. Will-serve letters have been issues for the project by the Morro Rock MWD and the Cayucos Sanitary District.

**Traffic.** The project proposes to vacate a portion of Cypress Glen Court along the project frontage. There is a recorded Road Maintenance agreement that covers the maintenance responsibilities of Cypress Glen Court that serves four private residences. The right-of-way was never improved or maintained by the County between D and E Streets, and portions of the right of way have been abandoned to the adjoining properties. The project proposes to abandon the portion of the right-of-way that abuts the project site and to add the 7,000 square feet of abandoned right-of-way to the project site for purposes of calculating the base residential density. Cypress Glen Court is not part of the County's road maintenance system and currently acts as a private drive to the existing residences. Since Cypress Glen Court serves private residences and provides no existing or future public circulation benefit, Public Works is supporting the proposed abandonment. No other significant traffic-related concerns were identified.

**Hydrology – Water Quality.** A Stormwater Control Plan and Stormwater Site Design Analysis has been prepared for the project which provides a summary of elements incorporated into the design of the project to protect water quality. These elements include:

- A bioretention area to treat stormwater from impermeable surfaces.
- Maintaining a 20 foot setback from Little Cayucos Creek.
- Impervious surfaces are minimized.

## **COMMUNITY ADVISORY GROUP COMMENTS**

Cayucos Community Advisory Council (CCAC) - The CCAC met in December to discuss the project. In addition, the land use committee met twice to discuss the project. The Council took the following action at the December 2015 meeting:

Paul Choucalas: I make a motion that the council approve the project with the condition that there be creek access if it is legal.

Larry Fishman: Could I clarify that this is for seven homes.

Roll Call Vote: Five yes. Six no.

John Carsel: The motion fails. Is there another motion? Seeing none, enjoy the holidays.

## **AGENCY REVIEW**

**Public Works** - *The project meets the applicability criteria for Storm Water Management and shall comply with applicable requirements. Abandonment of Cypress Glen Court is supported.*

**Cayucos Sanitary District** – *The proposed project received a conditional Sewer Intent to Serve from the Cayucos Sanitary District on May 6, 2015.*

**Morro Rock Mutual Water Company** – *The proposed project has received a Notification of Eligibility to Receive a Water Will Serve Letter issued on July 15, 2015.*

**Cayucos Fire Department** – *The Fire Protection District Project commented on the need for a turnaround at the end of the driveway.*

**California Coastal Commission** – *The Commission comments focus on the riparian setback and restoration plan.*

## **LEGAL LOT STATUS**

The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

## **ATTACHMENTS:**

1. Exhibit A – Development Plan Findings
2. Exhibit B – Development Plan Conditions of Approval
3. Exhibit C – Tentative Tract Map Findings
4. Exhibit D – Tentative Tract Map Conditions of Approval
5. Real Property Division Ordinance Adjustment Request
6. Proposed Negative Declaration and Project Graphics
7. Correspondence

Staff Report prepared by James Caruso, Senior Planner and Reviewed by Karen Nall, Supervising Planner.